

Court of Appeals, State of Michigan

ORDER

Village of Birch Run v Robert Mowatt Jr

William C. Whitbeck
Presiding Judge

Docket No. 307712

Michael J. Kelly

LC No. 10-009631-CZ

Amy Ronayne Krause
Judges

The Court orders that the motion to dismiss pursuant to MCR 7.211(C)(2) is DENIED because appellee has not established that this Court lacks jurisdiction over the claim of appeal. Notably, appellee's argument seems to simply assume that the present case, i.e., Lower Court No. 10-009631-CZ, and the case with which it was consolidated in the circuit court should be treated as if they are a single case for appellate jurisdiction purposes. Accordingly, he presents no basis for overcoming the general rule that consolidated lower court cases retain their separate identities for appellate jurisdiction purposes. See *Chen v Wayne State Univ*, 284 Mich App 172, 196; 771 NW2d 820 (2009). Viewing the present case in isolation, the November 28, 2011 order appealed from appears to be a final order under MCR 7.202(6)(a)(i) because, in confirming the arbitration supplemental award, that order inherently denies the relief sought by appellant in its complaint to vacate arbitration award. Thus, that order appears to be appealable of right. MCR 7.203(A)(1).



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

FEB 24 2012

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Chief Clerk